

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

1) NELSON RIVERA-TORRES  
2) MARIA LUISA ALEJANDRO-ORTIZ  
3) CARMEN MARIA APONTE-LOPEZ  
4) WILSON APONTE-ROSARIO  
5) VICTOR AYALA  
6) ALICE I. BADILLO-BRAVO  
7) JAVIER BONILLA-CINTRON  
8) MARCELINO BURGOS-PABON  
9) CARLOS COLON-BURGOS  
10) MARIA M. CORIANO  
11) NILDA ZENaida COSME  
12) ARACELIS COTTO-GONZALEZ  
13) RUYSDAEL DAVILA-RODRIGUEZ  
14) ANA DIAZ-LOPEZ  
15) MARIA I. FIGUEROA-RAMIREZ  
16) MYRNA FIRPI-SOLIS  
17) MARIAL. GARCIA-MORALES  
18) VIVIAN I. GONZALEZ-INGLES  
19) MILAGROS DEL C. GONZALEZ-SANTANA  
20) EVELYN IRIZARRY-CAMACHO  
21) NELSON LAMBOY-CRUZ  
22) JORGE N. LAMBOY-TORRES  
23) ASBELTI LLORENS-MALDONADO  
24) CARMEN LOPEZ-NEGRON  
25) LUIS LOZADA-CRUZ  
26) LUIS MATIAS-SOTO  
27) HECTOR MENDEZ-CABAN  
28) HAYDEE MONTAÑEZ-RODRIGUEZ  
29) NIGMY MUSTAFA-RICO  
30) AIDA NAZARIO-MONTALVO  
31) ANGEL NEGRON  
32) REGINA NEGRON-ZAYAS  
33) JOSE ORTIZ-IDRACH  
34) MILAGROS PEREZ-VAZQUEZ  
35) SARA PIÑERO-MARQUEZ  
36) JOSE M. POMALES-OJEDA  
37) RIGOBERTO RIVERA-LUNA  
38) ORLANDO RIVERA-MANGUAL  
39) NELSON RIVERA-TORRES  
40) MINERVA RODRIGUEZ-LOPEZ  
41) AGNES RODRIGUEZ-PAGAN  
42) INES ROSADO  
43) MARTA ROSADO-ROMERO  
44) MARIA RUIZ-APONTE  
45) MARIA ANTONIA RUIZ-APONTE  
46) JULIA SANTIAGO-APONTE  
47) IRMA NYDIA SANTOS-AGOSTO

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48) CHARON D. SERRANO-TORRES  
49) MYRIAM SUAREZ-LINARES  
50) MARTA TORO-OLIVENCIA  
51) ANA MARIA TORRES-MARTINEZ  
52) MARIA DEL ROSARIO TORRES-BAEZ  
53) HILDA TORRES-CRESPO  
54) SANDRA LEE YIASKI-GARCIA  
55) MARIO TORRES-ROSA  
56) MARILYN TORRES-TORRES  
57) LILLIAN URDANAVIA-MENDEZ  
58) MARILU VAZQUEZ-MARTINEZ  
59) MANUEL VELEZ-COLLAZO  
60) NELLY VELEZ-VELEZ  
61) LOURDES VILLANUEVA-VARGAS  
62) WILNELIA BUFFIT-TORRES

Plaintiffs

vs

CESAR REY-HERNANDEZ, in his personal capacity  
and as Secretary, Puerto Rico's Department of  
Education  
JOSE ALDANONDO-RIVERA, in his personal  
capacity and in his official capacity as Director  
Program for the Education of Adults  
SANTOS MELENDEZ in his personal capacity and in  
his official capacity as General Supervisor Program for  
the Education of Adults, Central Office  
JOHN DOE Regional Director of Caguas in his  
personal capacity  
JOHN ROE another Regional Director in his personal  
capacity  
and employees, officers or agents of the Department  
of Education of Puerto Rico or of any other  
Governmental Puerto Rican position related,  
depriving, promoting or participating to deprive  
plaintiffs of their constitutionally protected rights,  
and persons A to Z until now unknown their names

Defendants

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**O R D E R**

Having considered the Motion in Limine filed by defendants César Rey-Hernández, José L. Aldanondo-Rivera and Santos Meléndez on June 27, 2005 (**docket entry 94**), plaintiffs' Opposition to Defendants' Motion in Limine filed on July 29, 2005 (**docket entry 100**), defendants' Reply to the Opposition filed on August 10, 2005 (**docket entry 105**), and plaintiffs' Sur-Reply to Defendants' Reply filed on August 30, 2005 (**docket entry 109**), the Court RULES as follows:

(1) expert witness David E. Malavé-Mercado: Having reviewed the Special Report prepared by Mr. Malavé-Mercado, the Court FINDS that said report contains irrelevant information (the history of the adult education program), unreliable data (e.g. descriptions of the procedure followed by the adult education program to adopt proposals based exclusively on the information obtained by the expert at another judicial proceeding where he was present, several conclusory findings with no information provided on how they were reached), or legal conclusions that are beyond the scope of the expert's function. Accordingly, the motion in limine is GRANTED as to the expert witness.

(2) plaintiffs' medical records: as to this item, the motion in limine is DENIED. However, the records have to be certified or otherwise authenticated by the custodian in order to be admitted at trial.

(3) audio recordings, depositions, and trial transcripts of the Hatfield v. César Rey case, 01-2335(HL/GAG): as to this item, the motion in limine is GRANTED, without prejudice of plaintiffs using those portions of the trial transcripts or depositions of Civil 01-2335 which are pertinent for impeachment purposes of specific witnesses.

(4) witnesses: it is not disputed by plaintiffs that movants asked not only the names but also the addresses of plaintiffs' witnesses. Plaintiffs did not provide the addresses of the witnesses announced in discovery except for one, Ana Helvia Quintero, until the joint proposed Pretrial Order was filed. By that time, the discovery deadline had expired. Plaintiffs also

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included in the joint proposed Pretrial Order witnesses who were never disclosed in answers to interrogatory. The latter are clearly untimely and are STRICKEN as witnesses; the former whose addresses were untimely provided after discovery are also STRICKEN. As to these, no reason has been advanced for providing their addresses until discovery had concluded. This is a way of bypassing verbal discovery of these witnesses. Plaintiffs had two opportunities, in the initial disclosures and in the answer to interrogatories, to give this information and failed to do so. Accordingly, the motion in limine as to plaintiffs' witnesses is GRANTED except for Ms. Ana Helvia Quintero.

Thus, for the reasons stated, the Motion in Limine (**docket entry 94**) is GRANTED as to plaintiffs' expert witness, David E. Malavé-Mercado, all of plaintiffs' factual witnesses except for Ms. Ana Helvia Quintero, and the trial transcripts and depositions of 01-2335 (without prejudice of utilizing them for impeachment purposes), and DENIED as to plaintiffs' medical records which are allowed subject to authentication.

SO ORDERED.

At San Juan, Puerto Rico, on February 2, 2006.

S/CARMEN CONSUELO CEREZO  
United States District Judge